

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

KT IMAGING USA, LLC,

Plaintiff,

Civil Action No.: 1:22-cv-8240

v.

**JURY TRIAL DEMANDED**

AXIS COMMUNICATIONS AB and AXIS  
COMMUNICATIONS, INC.

Defendants.

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff KT Imaging USA, LLC (“KTI” or “Plaintiff”), by way of this Complaint against Axis Communications AB and Axis Communications, Inc. (collectively, “Axis” or “Defendants”), alleges as follows:

**PARTIES**

1. Plaintiff KT Imaging USA, LLC is a limited liability company organized and existing under the laws of the State of Texas, having its principal place of business at 106 E 6<sup>th</sup> Street, Suite 900, Austin, TX 78701.
2. On information and belief, Defendant Axis Communications AB is a corporation organized and existing under the laws of Sweden, having its principal place of business at Gränden 1, Lund, Skåne 22369, SE.
3. On information and belief, Defendant Axis Communications, Inc. is a corporation organized and existing under the laws of Massachusetts with a place of business at Tower 49, 12 East 49th Street, New York, NY 10017, with a registered agent at C T Corporation System, 28 Liberty Street, New York, New York 10005.

**JURISDICTION AND VENUE**

4. This is an action under the patent laws of the United States, 35 U.S.C. §§ 1, *et seq.*, for infringement by Defendants of claims of U.S. Patent No. 8,004,602 and U.S. Patent No. 8,314,481 (collectively, “the Patents-in-Suit”).

5. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

6. Axis Communications AB is subject to personal jurisdiction of this Court because, *inter alia*, on information and belief, (i) Axis Communications AB has committed and continues to commit acts of patent infringement in the State of New York, including by making, using, offering to sell, selling, and/or importing the accused products into New York including in this Judicial District; (ii) Axis Communications AB purposefully supplies and directs the accused products for storage, warehousing, and/or sales by distributors and resellers in the State of New York including in this Judicial District; (iii) Axis Communications AB delivers its products into the stream of commerce with the expectation that they will be purchased by consumers in the State of New York including in this Judicial District and derive revenues from products sold to New York residents.

7. In addition, or in the alternative, this Court has personal jurisdiction over Axis Communications AB pursuant to Fed. R. Civ. P. 4(k)(2).

8. Venue is proper in this district under 28 U.S.C. 1391(c) because, *inter alia*, Axis Communications AB is a foreign corporation.

9. Axis Communications, Inc. is subject to personal jurisdiction of this Court because, *inter alia*, on information and belief (i) Axis Communications, Inc. maintains a regular and established place of business in this Judicial District located at Tower 49, 12 East 49th Street, New York, NY 10017; (ii) Axis Communications, Inc. sells products and services to customers in this Judicial District, (iii) the patent infringement claims arise directly from Axis Communications,

Inc.'s continuous and systematic activity in the State of New York; and (iv) Axis Communications, Inc. actively employs and seeks the services of New York residents in the State of New York.

10. Venue is proper as to Axis Communications, Inc. in this Judicial District under 28 U.S.C. § 1400(b) because, *inter alia*, on information and belief, Axis Communications, Inc. has a regular and established place of business in this Judicial District located at Tower 49, 12 East 49th Street, New York, NY 10017 and has committed acts of patent infringement in this Judicial District and/or has contributed to or induced acts of patent infringement by others in this Judicial District.

### **BACKGROUND**

11. On August 23, 2011, the United States Patent and Trademark Office duly and lawfully issued U.S. Patent No. 8,004,602 (“the ’602 Patent”), entitled “Image Sensor Structure and Integrated Lens Module Thereof.”

12. On November 20, 2012, the United States Patent and Trademark Office duly and lawfully issued U.S. Patent No. 8,314,481 (“the ’481 Patent”), entitled “Substrate Structure for an Image Sensor Package and Method for Manufacturing the Same.”

13. KTI is the assignee and owner of the right, title, and interest in and to the Patents-in-Suit, including the right to assert all causes of action arising under said patent and the right to any remedies for infringement it.

14. Axis has infringed and continues to infringe the Patents-in-Suit by making, using, selling, or offering for sale in the United States, or importing into the United States video technology products, such as security cameras and/or video doorbells, with image sensors. Attachment A to this Complaint provides a non-exhaustive listing of Accused Products.

**COUNT I: INFRINGEMENT OF THE '602 PATENT BY AXIS**

15. Plaintiff incorporates the preceding paragraphs as if fully set forth herein.

16. On information and belief, Axis has infringed the '602 Patent pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by making, using, offering to sell, selling in the United States, or importing into the United States the Accused Products and all other products with substantially similar imaging sensors.

17. For example, on information and belief, Axis has infringed and continues to infringe at least claim 1 of the '602 Patent by including an image sensor structure with an integrated lens module in the Accused Products, including the Axis FA1125 Sensor Unit. *See* Ex. 1 (cross-sectional image of the Axis FA1125 image sensor). The image sensor structure in the Accused Products comprises a chip with a plurality of light-sensing elements arranged on a light-sensing area on a first surface of the chip, a plurality of first conducting pads arranged around the light-sensing area and electrically connected to the light-sensing elements, and at least one conducting channel passing through the chip and electrically connected to the first conducting pads at one end as well as extending along with a second surface of the chip. *See* Exs. 1, 2, and 3 (cross-sectional images of the Axis FA1125 image sensor and image of the Axis FA1125 image sensor with the internal components exposed). The image sensor structure in the Accused Products comprises a holder having a through hole and a contact surface on a bottom of the holder, wherein the contact surface is combined with the first surface, and at least one lens completely embedded inside the through hole and integrated with the holder. *See* Ex. 1 (cross-sectional image of the Axis FA1125 image sensor).

18. On information and belief, Axis has induced infringement of the '602 Patent pursuant to 35 U.S.C. § 271(b), by actively and knowingly inducing, directing, causing, and encouraging others, including, but not limited to, its partners, resellers, distributors, customers, and end users,

to make, use, sell, and/or offer to sell in the United States, and/or import into the United States, the Accused Products by, among other things, providing the accused products and incorporated image sensor technology, specifications, instructions, manuals, advertisements, marketing materials, and technical assistance relating to the installation, set up, use, operation, and maintenance of said products.

19. On information and belief, Axis has committed the foregoing infringing activities without a license.

**COUNT II: INFRINGEMENT OF THE '481 PATENT BY AXIS**

20. Plaintiff incorporates the preceding paragraphs as if fully set forth herein.

21. On information and belief, Axis has infringed the '481 Patent pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by making, using, offering to sell, selling in the United States, or importing into the United States the Accused Products and all other products with substantially similar imaging sensors.

22. For example, on information and belief, Axis has infringed and continues to infringe at least claim 1 of the '481 Patent by including a substrate structure for an image sensor package in the Accused Products, including the Axis FA1125 Sensor Unit. *See* Ex. 1 (cross sectional image of the Axis FA1125 image sensor). The substrate structure in the Accused Products comprises a bottom base having an upper surface formed with a plurality of first electrodes, and a lower surface formed with a plurality of second electrodes, wherein an insulation layer is coated between first electrodes and in direct surface contact with the upper surface of the bottom base. *See* Exs. 2 and 3 (cross-sectional image of the Axis FA1125 image sensor and image of the Axis FA1125 image sensor with the internal components exposed). The substrate structure in the Accused Products comprises a frame layer arranged on and in direct surface contact with the first electrodes and the insulation layer to form a cavity together with the bottom base, wherein the

insulation layer is interposed between the bottom base and the frame layer. *See* Exs. 1 and 2 (cross-sectional image of the Axis FA1125 image sensor and image of the Axis FA1125 image sensor with the internal components exposed).

23. On information and belief, Axis has induced infringement of the '481 Patent pursuant to 35 U.S.C. § 271(b), by actively and knowingly inducing, directing, causing, and encouraging others, including, but not limited to, its partners, resellers, distributors, customers, and end users, to make, use, sell, and/or offer to sell in the United States, and/or import into the United States, the Accused Products by, among other things, providing the accused products and incorporated image sensor technology, specifications, instructions, manuals, advertisements, marketing materials, and technical assistance relating to the installation, set up, use, operation, and maintenance of said products.

24. On information and belief, Axis has committed the foregoing infringing activities without a license.

#### **PRAYER FOR RELIEF**

WHEREFORE, KTI prays for judgment in its favor against Axis for the following relief:

- A. Entry of judgment in favor of KTI against Axis on all counts;
- B. Entry of judgment that Axis has infringed the Patents-in-Suit;
- C. An order permanently enjoining Axis from infringing the Patents-in-Suit;
- D. Award of compensatory damages adequate to compensate KTI for Axis's infringement of the Patents-in-Suit, in no event less than a reasonable royalty as provided by 35 U.S.C. § 284;
- E. KTI's costs;
- F. Pre-judgment and post-judgment interest on KTI's award; and
- G. All such other and further relief as the Court deems just or equitable.

**DEMAND FOR JURY TRIAL**

Pursuant to Rule 38 of the Fed. R. Civ. P., Plaintiff KTI hereby demands trial by jury in this action of all claims so triable.

Dated: September 27, 2022

/s/ Dmitry Kheyfits

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